

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.


PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 		TITLE Lavina Washines Chairwoman, YN Tribal Council	
APPLICANT ORGANIZATION Confederated Tribes and Bands of the Yakama Nation		DATE SUBMITTED May 25, 2007	

CERTIFICATION REGARDING LOBBYING

**CERTIFICATION FOR CONTRACTS, GRANTS
LOANS, AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352 , title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Lavina Washines, Chairwoman
Yakama Nation Tribal Council
Typed Name & Title of Authorized Representative


Signature of Authorized Representative

6-5-01
Date

Survey of Recipient's Management Systems

Applicants for assistance under EPA agreements are required to have an adequate financial management systems and procedures which provide efficient and effective accountability and control of all property, funds, and assets related to the agreement. This survey indicates the accounting standards that EPA considers basic to adequate financial management.

Completion of this survey is optional.

First-time applicants - We request that you complete and submit this survey with your application package to help determine whether their present systems can meet these requirements.

All other applicants - We recommend you complete and submit this survey each time you apply for EPA assistance.

Please mark each of these questions, YES, NO, or N/A,

NAME OF APPLICANT: Confederated Tribes and Bands of the Yakama Nation

Accounting

- | | | |
|------------|----|---|
| <u>Yes</u> | 1) | Have project accounting records been established to record the costs applicable to the EPA agreement and other direct activities? |
| <u>Yes</u> | 2) | Are all costs of a project posted to these records? Are the records used as the basis for vouchers and Financial Status Reports submitted to EPA? |
| <u>Yes</u> | 3) | Before posting, are costs reviewed for reasonableness, allowability, and allocability to the project? |
| <u>Yes</u> | 4) | Are project accounts broken into subaccounts by program element or cost objective? |
| <u>Yes</u> | 5) | Is appropriate documentation maintained to support the costs of: |
| <u>Yes</u> | a) | personnel? |
| <u>Yes</u> | b) | fringe benefits? |
| <u>Yes</u> | c) | travel? |
| <u>Yes</u> | d) | purchases of material, supplies, and equipment? |
| <u>Yes</u> | e) | consultants? |
| <u>Yes</u> | f) | other costs? |
| <u>Yes</u> | 6) | Are costs posted in these records reflected on and reconciled with control accounts contained in the general ledger? |
| <u>Yes</u> | 7) | Are accounting records subjected to an independent audit at least every two years? |

Personnel

- Yes 8) Do personnel and/or payroll records support the time and attendance, leave, and earnings for all employees?
- Yes 9) Are time distribution records maintained to show the amount of time spent on each project covered under the agreement, as well as time spent on other projects? (These records are required for all personnel spending less than full time on an individual project).
- Yes 10) Are there controls to assure that personnel costs are distributed in accordance with the time distribution records?
- Yes 11) Are there established procedures to govern the charges of personnel time related to partners or principals in closely held corporations?
- Yes 12) Are there formal procedures regarding bonuses, retirement plans, and/or profit sharing?

Travel

- Yes 13) Are there established policies to govern reimbursement for travel?
- 14) Do these policies require travel vouchers to be submitted which:
- Yes a) show the time and purpose of the travel?
- Yes b) clearly indicate the nature of expenses being claimed?
- Yes c) require the submission of supporting documentation?

Procurement

- Yes 15) Are there established procedures to assure that professional services, equipment, material, and/or supplies requested are really needed?
- Yes 16) Are existing supplies or inventories reviewed to assure that requested items are not already available?
- Yes 17) Are there formal procurement procedures to assure that equipment, material, and supplies are obtained on a competitive basis?
- Yes 18) Are there procedures to assure that the type of contract utilized is appropriate for the procurement being undertaken?
- Yes 19) Are there controls to assure that types of contracts unacceptable to the Federal Government are not utilized?
- Yes 20) Are Minority and Women Owned Businesses included in solicitations?
- Yes 21) Are solicitations obtained from several sources to assure that the most qualified party is selected?

Yes 22) Are quotations reviewed to assure that the proposed price is reasonable to the contractor, the recipient, and EPA?

Yes 23) Are internal controls utilized to assure that contracts contain all required clauses:

- Yes a) access to records
Yes b) ownership of data
Yes c) termination
Yes d) applicable cost principles
Yes e) defective pricing

Obligations

Yes 24) Are there procedures to assure that reported obligations are supported by purchase orders, contracts, etc.?

Yes 25) Do these procedures require that obligations are periodically reviewed with regard to their validity?

Yes 26) Do these procedures require the timely liquidations of obligations?

Indirect Costs

If indirect costs are claimed under this agreement:

Yes 27) If the indirect cost rate is negotiated with a Federal Agency, a copy of the negotiated agreement must be sent to Grants Administration Unit.

Current rate proposal has been approved _____ pending XX.

_____ 28) If the indirect cost rate is not negotiated with a Federal agency:

- _____ a) Is there a cost allocation plan to indicate which costs are considered direct costs as opposed to indirect costs?
_____ b) Are unallowable costs separately identified and/or excluded from the indirect cost proposal?
_____ c) Are items of the same nature which are charged as direct costs excluded from the indirect cost proposal?
_____ d) Are indirect costs accumulated in more than one pool?

A copy of the cost allocation plan may be requested.

I certify that the answers to these questions accurately reflect the management systems.

Paul W
Signature

6-5-01
Date


DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352



Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: 4c	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Confederated Tribes and Bands of the Yakama Nation P.O. Box 151 Toppenish, WA 98948 Congressional District, if known:	
6. Federal Department/Agency: US EPA Region 10	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ 47,495	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): n/a Waters, George 1010 Massachusetts Ave. N.W. Suite 210 Washington, DC 20001	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: <u></u> Print Name: <u>Lavina Washines</u> Title: <u>Chairwoman, YN Tribal Council</u> Telephone No.: <u>509-865-5121</u> Date: <u>6-5-07</u>	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

NOTE: Required ONLY if applying for Superfund assistance programs.

		UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460		Form Approved OMB No. 2000-0453	
PROCUREMENT SYSTEM CERTIFICATION					
APPLICANT'S NAME Confederated Tribes and Bands of the Yakama Nation			ASSISTANCE APPLICATION NUMBER		
APPLICANT'S ADDRESS P.O. Box 151, Toppenish, WA 98948					
SECTION I - INSTRUCTIONS					
The applicant must complete and submit a copy of this form with each application for EPA Assistance. If the applicant has certified its procurement system to EPA within the past 2 years and the system has not been substantially revised, complete Part A in Section II, then sign and date the form. If the system has not been certified within the past 2 years, complete Part B, then sign and date the form.					
SECTION II - CERTIFICATION					
A. I affirm that the applicant has within the past 2 years certified to EPA that its procurement system compiles with 40 CFR Part 35 and that the system meets the requirements in 40 CFR Part 35. The date of the applicant's latest certification is:				MONTH/YEAR	
B. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant: <i>(Check one of the following:)</i>					
<input checked="" type="checkbox"/> 1. CERTIFY that the applicant's procurement system will meet all of the requirements of 40 CFR Part 35 before undertaking any procurement action with EPA assistance.					
Please furnish citations to applicable procurement ordinances and regulations OMB Circular A-102, Section 36, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.					
<input type="checkbox"/> 2. DO NOT CERTIFY THE APPLICANT'S PROCUREMENT SYSTEM. The applicant agrees to follow the requirements of 40 CFR Part 35, including the procedures in Appendix A, and allow EPA preaward review of proposed procurement actions that will use EPA assistance.					
TYPED NAME AND TITLE Lavina Washines, Chairwoman YN Tribal Council			SIGNATURE 		DATE 6-5-07

EPA Form 5700-48 Previous edition is obsolete

See instructions on reverse side